

REMARKS

Claims 1 and 5 have been amended. Claims 8-27 and 29-31 have been canceled without prejudice. Claims 1-7 and 28 are pending in the present application. Reexamination and allowance of the pending claims are respectfully requested.

First, the allowability of claim 5 is gratefully acknowledged. As a result, Applicant has rewritten claim 5 into independent form to incorporate the limitations of claim 1. Thus, claim 5 is in condition for allowance.

Second, claims 9 and 30 have been canceled without prejudice, thereby rendering their rejections moot.

Third, independent claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,763,958 to Lemelson ("Lemelson") and U.S. Patent No. 3,225,488 to Goldfarb ("Goldfarb"). Claim 1 also stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Goldfarb. These rejections are respectfully traversed.

Independent claim 1 recites a gripping piece that is provided along a portion of the length of the elongated body. In contrast, Applicant respectfully submits that Lemelson and Goldfarb do not disclose a gripping piece.

First, the Examiner asserts that the nipple or valve member 13 in Goldfarb is a gripping piece. However, this ignores the normal meaning of the word "gripping", which means the piece must be capable of being gripped by a user. To grip something, a user must be able to place more than one finger onto the piece, otherwise it would not be possible establish a "grip". Here, element 13 in Goldfarb is a nipple or valve member. A user could conceivably place one finger onto the element 13, but would not be able to establish any kind of a "grip" on the toy 10 based on one finger alone. Thus, Goldfarb does not provide a gripping piece.

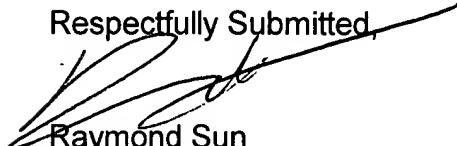
Second, the Examiner asserts that the tabs 26 in Lemelson are gripping pieces. However, this again ignores the normal meaning of the word "gripping". The tabs 26 are used to secure the fins 25 to the body 10, and their positions immediately adjacent the fins 25 makes it virtually impossible for a user to grip the tabs 26 without damaging the fins 25. Thus, Lemelson does not provide a gripping piece.

To further distinguish the element 13 in Goldfarb and the elements 26 and A in Lemelson, claim 1 has been amended to recite, among other limitations, that the gripping piece is elongated. None of the element 13 in Goldfarb or the elements 26 and A in Lemelson are elongated.

Thus, claim 1, and claims 2-7 and 28 depending therefrom, are submitted to be in condition for allowance.

In light of the above, allowance of all pending claims is respectfully requested. The Examiner is invited to telephone the undersigned if there are any informal matters that can be resolved in a phone conversation, or if the Examiner has any suggestions or ideas that would further advance the prosecution of this case.

Respectfully Submitted,


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I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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